

Sight  
Impaired  
author

MC-275

Name William Kirkpatrick Jr.Address P.O. box C-91406San Quentin Ca 94974CDC or ID Number C-91406

N. dist. court  
of California  
(Court)

**FILED**  
JUN - 4 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Rehearing  
PETITION FOR WRIT

William Kirkpatrick Jr.  
Petitioner

vs.

Robert L. Ayers, Warden  
Respondent

No. C-08-1393-VRW  
(To be supplied by the Clerk of the Court)

Petitioners submission for Rehearing of  
above numbered case

Petitioner submits this 'Petition for rehearing' (PFR).

This court can indeed issue legally accepted rulings regarding writs,  
petitions submitted to this court regardless of jurisdiction if the  
U.S. supreme court requests nothing more than a lower courts ruling  
and does not specify which lower court.

It is also observed that this court improperly <sup>is</sup> dismissed this suit.

By this courts own words it had/has "no authority" to take any  
position regarding my "requests" one way or the other.

While this court has authority to deny my suit review, it can not  
Dismiss my suit unless it accepts the underlying <sup>case</sup> within its  
venue. That being my federal habeas.

That said, I believe this court must - as a matter of law reopen this  
case and restate its grounds for dismissal.

I believe that in accordance with 28 U.S.C. § 1391(c) this  
court had/has only 3 choices; 1-Deny my request to have

1 my 'suit' addressed by this court on the grounds of "improper  
 2 venue", and ~~and~~ return all documents to me, or 2- Deny  
 3 my 'suit' due to "improper venue" and transfer the  
 4 the "action" to the court of "central district court senior  
 5 judge William Duffy Keller" CV 96-0351-WDL.  
 6 or 3- accept my 'suit' and address its issues to my  
 7 satisfaction.

8 I believe it's too late to deny the 'suit' and return the  
 9 documents to me.

10 And I believe it's ~~is~~ Fifty, Fifty as to whether this  
 11 court can rule on the - or at least some of the issues  
 12 raised in the suit.

13 Ultimately, I believe this court has no choice but to re-  
 14 open this case - C-08-1393-VRW - reclassify it as  
 15 a "denial" of my "request for intervention" due to "im-  
 16 proper venue" and order the action and all documents,  
 17 attachments, exhibits, and pending motions - the last one  
 18 having been filed May 21, 2008, - transferred to the  
 19 Central district court of California, CV 96-0351-WDL.

21 For the above reasons I petition for rehearing.

23 I swear under penalty of perjury the foregoing is true and  
 24 correct and will testify to it in a court of law.

25 signed at

26 San Quentin state prison

27 on May 28, 2008

*Adell Kirkpatrick*

William Kirkpatrick Jr.

Coc # C-91406

William Kierpatrick Sr.  
P.O. Box C-91406  
San Quentin Cal. 94974

Legal  
Mail  
confidential

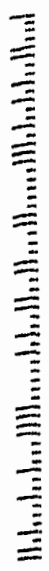
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Northern District of California  
450 Green Gate Ave  
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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JUN 2008

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